



AGENDA
ZONING BOARD OF ADJUSTMENT
Workshop Meeting
Tuesday, August 05, 2008 at 5:30 PM
City Hall Council Chambers
1101 Texas Avenue
College Station, Texas

1. Call to order
2. Oath of Office.
3. Consideration, discussion and possible action of Zoning Board of Adjustment Training.
4. Discussion of requested Administrative Adjustments.
 - 3307 Keefer Loop (single-family residence) - 18" Rear Setback Variance (Approved). Case #08-00500156 (LH)
5. Discussion of Regular Agenda items.
6. Consideration and possible action on future agenda items – A Zoning Board Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.
7. Adjourn.

Consultation with Attorney {Gov't Code Section 551.071; possible action.

The Zoning Board of Adjustments may seek advice from its attorney regarding a pending and contemplated litigation subject or attorney-client privileged information. After executive session discussion, any final action or vote taken will be in public. If litigation or attorney-client privileged information issues arise as to the posted subject matter of this Zoning Board of Adjustments meeting, an executive session will be held.

Notice is hereby given that a Workshop Meeting of the Zoning Board of Adjustment of College Station, Texas will be held on **Tuesday, August 05, 2008 at 5:30 PM** at the City Hall Council Chambers, 1101 Texas Avenue, College Station, Texas. The following subjects will be discussed, to wit: See Agenda

Posted this the ____ day of _____, 2008 at ____ p.m.

CITY OF COLLEGE STATION, TEXAS

By _____
Connie Hooks, City Secretary

I, the undersigned, do hereby certify that the above Notice of Workshop Meeting of the Zoning Board of Adjustment of the City of College Station, Texas, is a true and correct copy of said Notice and that I posted a true and correct copy of said notice on the bulletin board at City Hall, 1101 Texas Avenue, in College Station, Texas, and the City's website, www.cstx.gov. The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on _____ p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

This public notice was removed from the official posting board at the College Station City Hall on the following date and time: _____ by _____.

Dated this ____ day of _____, 2008.

CITY OF COLLEGE STATION, TEXAS

By _____

Subscribed and sworn to before me on this the ____ day of _____, 2008.

Notary Public- Brazos County, Texas

My commission expires: _____

This building is wheelchair accessible. Handicap parking spaces are available. Any request for sign interpretive service must be made 48 hours before the meeting. To make arrangements call 979.764.3517 or (TDD) 800.735.2989. Agendas may be viewed on www.cstx.gov.



AGENDA
ZONING BOARD OF ADJUSTMENT
Regular Meeting
August 5, 2008 at 6:00 P.M.
City Hall Council Chambers
1101 Texas Avenue
College Station, Texas

1. Call to order – Explanation of functions of the Board.
2. Consideration, discussion and possible action of Absence Requests from meetings.
 - John Richards for meeting of August 5, 2008
3. Consideration, discussion and possible action to approve meeting Minutes.
 - July 1, 2008 Workshop Meeting Minutes
 - July 1, 2008 Regular Meeting Minutes
4. Public hearing, presentation, possible action, and discussion on a floodway encroachment for 1300 Harvey Mitchell Parkway South, Lots 1 & 2, Block 1 2818 Place Properties. Case #08-00500141 (JN)
5. Adjourn.

Consultation with Attorney {Gov't Code Section 551.071; possible action.

The Zoning Board of Adjustments may seek advice from its attorney regarding a pending and contemplated litigation subject or attorney-client privileged information. After executive session discussion, any final action or vote taken will be in public. If litigation or attorney-client privileged information issues arise as to the posted subject matter of this Zoning Board of Adjustments meeting, an executive session will be held.

Notice is hereby given that a Regular Meeting of the Zoning Board of Adjustment of College Station, Texas will be held on **Tuesday, August 05, 2008 at 6:00 p.m.** at the City Hall Council Chambers, 1101 Texas Avenue, College Station, Texas. The following subjects will be discussed, to wit: See Agenda

Posted this the day of , 2008 at p.m.

CITY OF COLLEGE STATION, TEXAS

By _____
Connie Hooks, City Secretary

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CITY OF COLLEGE STATION
Planning & Development Services

**Absence Request Form
For Elected and Appointed Officers**

Name JOHN RICHARDS

Request Submitted on Date: 7/22/08

I will not be in attendance at the meeting of 8/5/08
for the reason(s) specified: (Date)

I will Be at SJW, Temple for a CALSCAN
& EVALUATION

John Richards
Signature

This request shall be submitted to Deborah Grace-Rosier one week prior to meeting date. Fax 764-3496. City of College Station, 1101 Texas Avenue, College Station, Texas 77840 Attn: Deborah Grace-Rosier



WORKSHOP MINUTES
Zoning Board of Adjustment
July 1, 2008
CITY OF COLLEGE STATION, TEXAS
City Hall Council Chambers
1101 Texas Avenue
5:30 P.M.

MEMBERS PRESENT: Chairman Jay Goss, Donald Braune, Josh Benn, John Richards and Alternate Thomas Mather.

MEMBERS ABSENT: Denise Wisenant.

STAFF PRESENT: Staff Assistant Mandi Alford, Staff Planner's Lauren Hovde and Matthew Robinson, Planning and Development Services Director Bob Cowell, Planning Administrator Molly Hitchcock, Assistant City Attorney Mary Powell, and Action Center Representative Bryan Cook.

AGENDA ITEM NO. 1: **Call to order – Explanation of functions of the Board.**

Chairman Goss called the meeting to order at 5:35.

AGENDA ITEM NO. 2: **Discussion of Administrative Adjustments given by the Administrator.**

- ♦ 12909 FM 2154 (Southwest Business Center) - Building height (Denied). Case #08-00500108 (LB)
- ♦ 3314 Longmire Drive (Liberty Dialysis) – Parking (Approved). Case #08-00500099 (LH)

Planning Administrator Hitchcock and Staff Planner Hovde gave a brief dialogue of the cases and answered questions from the Board.

AGENDA ITEM NO. 3: **Discussion of regular agenda items.**

Staff Planner's Hovde and Robinson discussed the cases and answered questions from the Board.

AGENDA ITEM NO. 4: **Consideration and possible action on future agenda items – A Zoning Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.**

There were no items discussed.

AGENDA ITEM NO. 5: Adjourn.

The meeting was adjourned at 5:48 pm

APPROVED:

Jay Goss, Chairman

ATTEST:

Mandi Alford, Staff Assistant



MINUTES
Zoning Board of Adjustment
July 1, 2008
CITY OF COLLEGE STATION, TEXAS
Council Chambers
1101 Texas Avenue
6:00 P.M.

MEMBERS PRESENT: Jay Goss, John Richards, Donald Braune, Josh Benn, and Alternate Thomas Mather.

MEMBERS ABSENT: Denise Whisenant.

STAFF PRESENT: Staff Assistant Mandi Alford, Staff Planners Jason Schubert and Matt Robinson, Planning Administrator Molly Hitchcock, Assistant City Attorney Mary Ann Powell, Director of Planning and Development Services Bob Cowell, Action Center Representative Bryan Cook.

AGENDA ITEM NO. 1: **Call to order – Explanation of functions of the Board.**

Chairman Goss called the meeting to order at 6:00 PM.

AGENDA ITEM NO. 2: **Consideration, discussion and possible action of absence requests.**

There were no absence requests to consider.

AGENDA ITEM NO. 3.: **Consideration, discussion and possible action to approve meeting minutes.**

~ April 1, 2008, Workshop Meeting Minutes
~ April 1, 2008, Regular Meeting Minutes

John Richards motioned to approve the workshop minutes. Donald Braune seconded the motion, which passed unopposed (4-0) with Thomas Mather abstaining from voting because he was not present at the meeting.

John Richards motioned to approve the regular minutes. Josh Benn seconded the motion, which passed unopposed (4-0) with Thomas Mather abstaining from voting because he was not present at the meeting.

AGENDA ITEM NO. 4: Public hearing, presentation, possible action and discussion on a variance request to the Unified Development Ordinance, Section 5.2. Residential Dimensional Standards regarding the rear setback requirement for 101 and 103 Fairview Avenue, remainder of Lots 1 & 2, Block 2A, College Park Subdivision. Case # 08-00500025

Staff Planner Matt Robinson presented the staff report and told the Board that the applicant was requesting the variance in order to remodel the existing two-story apartment that is encroaching into the required setbacks. Therefore, the applicant is requesting a rear setback variance of 13 feet 6 inches to the required setback of 20 feet.

Chairman Goss opened the public hearing.

Speaking in favor of the variance:
Edsel Jones, 828 Pine Valley, CS, TX

Speaking in opposition of the variance:
George Dresser, 503 Fairview, CS, TX
Mike Luther, 614 Welsh Ave, CS, TX
Jerry Cooper, 602 Bell, CS, TX

All speaking before the Board were sworn in by Chairman Goss.

Chairman Goss closed the public hearing.

John Richards motioned to deny the variance. Mather seconded the motion.

The Board Members discussed their reasons for granting or denying the variance.

Chairman Goss called for the vote. The vote was 2-2-1. Chairman Goss and Donald Braune voting to grant the variance and Josh Benn abstaining from voting. Motion Failed.

Donald Braune motioned to approve the variance to the minimum setback from the terms of the Ordinance as it will not be contrary to the public interest, due to the following special conditions: TXDOT took a portion of the property and left the structure close to the street: and because a strict enforcement of the provisions of the Ordinance would result in unnecessary hardship to this applicant being: the porch will be adjacent to the structure: and such that the spirit of this Ordinance shall be observed and substantial justice come subject to the following special conditions: the limitation on the variance would be 13 feet 6 inches by 6 feet immediately adjacent to the existing structure. **Chairman Goss seconded the motion, which failed (3-2). Mr. Richards and Thomas Mather voting not to grant the variance.**

AGENDA ITEM NO. 5: Public hearing, presentation, possible action and discussion on a variance request to the Unified Development Ordinance, Section 7.4.F Sign Standards regarding the development sign at 1300 Harvey Mitchell Parkway, Lot 1, Block 1, 2818 Place Subdivision. Case # 08-00500121

Staff Planner Lauren Hovde presented the staff report and told the Board that the applicant is requesting a variance to the allowable size of a development sign of 280 square feet.

Chairman Goss opened the public hearing.

Speaking in favor of the variance:
Leslie Hammond, 113 Vista Way, Huntsville, TX
Chris Farb, Fast Signs, Conroe, TX

All speaking before the Board were sworn in by Chairman Goss.

Chairman Goss closed the public hearing.

John Richards motioned to deny the variance to the sign regulations from the terms of the ordinance, as it will be contrary to the public interest. **Thomas Mather seconded the motion; which passed unopposed (5-0).**

AGENDA ITEM NO. 6: Possible Action and discussion on the purpose of the Zoning Board of Adjustments workshop meetings.

The Board decided that workshop meetings are not necessary. If a Board Member should decide that a workshop is needed, they would contact staff four days before the scheduled meeting so proper notice was posted.

AGENDA ITEM NO. 7: Adjourned.

The meeting was adjourned at 7:10 pm

APPROVED:

Jay Goss, Chairman

ATTEST:

Mandi Alford, Staff Assistant



**VARIANCE REQUEST
FOR
FLOODWAY ENCROACHMENT**

REQUEST: Floodway Variance from Section G(1) of the Flood Protection Ordinance prohibiting encroachment into FEMA designated floodways. Specifically locating box culverts in the floodplain/floodway to allow for the crossing of these portions of the creek.

LOCATION: 1300 Harvey Mitchell Parkway
2818 Place Properties, Lots 1 & 2, Block 1

APPLICANT: Chris Harris, P.E.

PROPERTY OWNER: Place Properties c/o Ryan Griffis

PROJECT MANAGER: Joshua D. Norton, P.E., Assistant City Engineer
jnorton@cstx.gov

RECOMMENDATION: Staff recommends approval.

BACKGROUND: To participate in the National Flood Insurance Program so that our citizens can have subsidized flood insurance, the City has adopted the Flood Protection Ordinance in accordance the associated Code of Federal Regulations for FEMA. The City has opted to increase the regulations in regard to floodway encroachments. The minimum federal requirements state that encroachments into the floodway are permissible with a zero rise study. The City's regulations require a variance with the attached criteria as well.

The federal code generally defines the "floodway" as the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height (one foot). The box culverts clearly encroach into the associated floodway. The applicant has addressed each of the criteria as well as provided a drainage analysis which depicts the water surface will not increase above the allowable floodway elevation.

APPLICABLE ORDINANCE SECTION: Chapter 13, Section 5.G - Special Provisions for Floodways

G. SPECIAL PROVISIONS FOR FLOODWAYS

Located within Areas of Special Flood Hazard established in Section 5-B are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and the potential for erosion; therefore, the following provisions shall be required:

- (1) Encroachments shall be prohibited, including fill, new construction, substantial improvements of existing construction, structures, manufactured homes, or other development. Variances requested on this standard shall be accompanied by a complete engineering report fully demonstrating that the encroachments shall not result in any increase in water surface elevation or flood hazard upstream, within, or downstream of the encroachment location. The engineering report shall conform to the requirements of the Drainage Policy and Design Standards and shall bear the dated seal and signature of a registered professional engineer;

ORDINANCE INTENT: Chapter 13, Section B states: "It is the purpose of this chapter to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse impacts associated with the increased storm water flows generated by development. It is also the purpose of this chapter to enhance the public health, safety and welfare by furthering the goals and objectives of the City of College Station Comprehensive Plan and all of its elements."

Unmitigated encroachments into designated floodways are known to cause increases in flood levels and the potential for damage from flooding events. As such they are specifically prohibited.

It is clearly the intent of the Ordinance to prohibit encroachments into the areas reserved for flood waters. It does not appear that the intent was to prohibit encroachment into areas that may be above a reasonable flood event, even though the encroachment would be within the regulatory limits of the floodway.



NOTIFICATIONS

Advertised Board Hearing Date: August 5, 2008.

The following neighborhood organizations that are registered with the City of College Station's Neighborhood Services have received a courtesy letter of notification of this public hearing:

None

Property owner notices mailed: 6
Contacts in support: 0
Contacts in opposition: 0
Inquiry contacts: 2

ZONING AND LAND USES

Direction	Zoning	Land Use
Subject Property	R-4 Multifamily, and A-O Agricultural Open	Developing as Apartments, and Floodplain / Streams
North	-	Harvey Mitchell Parkway
South	CU College & University	Vacant
East	A-O Agricultural Open	Vacant
West	A-O	Vacant

PHYSICAL CHARACTERISTICS

1. **Frontage:** This property has frontage along FM 2818 (Freeway)
2. **Access:** This property takes access to FM 2818 (Freeway).
3. **Topography and vegetation:** The site is divided into 2 Lots or 2 Phases. Lot 1 or Phase 1 is currently being developed as an apartment complex. Lot 2 or Phase 2 is largely undeveloped and in its natural state with many mature oak trees though primarily cleared underbrush. The site is traversed by an unnamed tributary of Whites Creek. Drainage runs off the site by way of the unnamed tributary which then flows in a southwesterly direction.
4. **Floodplain:** Special Flood Hazard Area as defined by FEMA is present on the subject site with both base flood elevations and floodway designations (FEMA FIRM Panel 182c).

REVIEW CRITERIA

Special Conditions and Hardships: The applicant's engineer has stated that without the culvert crossing, the owner would not be able to access half of the property there by denying him reasonable use of his land. The two crossings are required in order to provide adequate

fire protection for the residents of the property. The variance meets all of the following prerequisites as outlined in the City's Flood Hazard Protection Ordinance.

Minimum Relief Necessary: The variance that the applicant is requesting, i.e. to install box culverts or crossings, within the floodway, is the minimum relief necessary.

Health, Safety and Welfare: This variance will not be detrimental to the public health, safety or welfare or injurious to other property in the City. This is the minimum impact necessary to maintain the health, safety, and welfare of the residents and provide the owner with reasonable use of the land. As evidenced by the engineering report, a .01' rise in water surface elevation does occur but occurs wholly on the applicant's property and only in the vicinity of the proposed box culvert. Per correspondence with FEMA, anything less than .02' can be interpreted by the local floodplain administrator as a "zero rise."

No Negative Impacts: As evidenced by the engineering report and FEMA's input, there will be NO increase in base flood elevation or alter any drainage pathways. The proposed box culverts have been sized appropriately and do not decrease the cross sectional area in these two locations. The crossings will not increase the water surface elevations, flow velocities, or alter drainage pathways to the extent that there will be any threat to public safety, extraordinary public expense, increase in flooding, or be detrimental to other portions of the drainage system.

Orderly Subdivision of Land: These crossings will not impact the subdivision of land upstream or downstream of the property.

Zero Rise: Although the submitted engineering report illustrates a .01' rise in the water surface elevation, FEMA has confirmed that .02' and less can be determined by the local floodplain administrator as a zero rise. Therefore the crossings will not increase water surface elevations below, within, or above the crossings location during the base flood discharge.

Summary and Flood Proofing: All other structures are located outside of the floodplain and will not be impacted by the base flood. The road elevation of the crossings are above the base flood elevation and will not be impacted by the base flood or create a threat to public safety. The applicant's engineer believes that they have met the criteria as outlined in this section.

ALTERNATIVES: Not construct the subject improvements.

STAFF RECOMMENDATION: Staff recommends approval.

SUPPORTING MATERIALS

1. Application
2. Site Plan (provided in packet)



FOR OFFICE USE ONLY	
CASE NO.:	<u>08-141</u>
DATE SUBMITTED:	<u>6/13/08</u>

1:00
AC

ZONING BOARD OF ADJUSTMENT APPLICATION

MINIMUM SUBMITTAL REQUIREMENTS:

fe

- ☒ Filing Fee of \$150.00.
- ☒ Application completed in full.
- ☒ Additional materials may be required of the applicant such as site plans, elevation drawings, sign details and floor plans. The Zoning Official shall inform the applicant of any extra materials required.

Date of Preapplication Conference: May 6, 2008

APPLICANT/PROJECT MANAGER'S INFORMATION (Primary Contact for the Project):

Name Chris Harris, P.E.
Street Address 111 University Drive East, Suite 105 City College Station
State Texas Zip Code 77840 E-Mail Address chris.harris@kimley-horn.com
Phone Number 979-846-8401 Fax Number 979-846-8450

PROPERTY OWNER'S INFORMATION:

Name Place Properties Mr. Ryan Griffis
Street Address 5215 N.O'Connor Blvd., Suite 200 City Irving
State TX Zip Code 75039 E-Mail Address rgriffis@placeproperties.com
Phone Number 972-868-9193 Fax Number 972-868-9001

LOCATION OF PROPERTY:

Address 1300 Harvey Mitchell Parkway College Station 77840
Lot 2 Block 1 Subdivision 2818 Place
Description if there is no Lot, Block and Subdivision _____

Action Requested: (Circle One)

Setback Variance	Appeal of Zoning Official's Interpretation
Parking Variance	Special Exception
Sign Variance	Other <u>Floodway encroachment</u>

Current Zoning of Subject Property: Zoned R-4 and A-0

Applicable Ordinance Section: _____

GENERAL VARIANCE REQUEST

The following specific variation from the ordinance is requested:

The variance is requested per the City of College Station requirements for encroaching into a portion of an unnamed Tributary to White Creek for the purpose of providing access to 2818 Place Phase II, a student multifamily housing project on Harvey Mitchell Parkway.

This variance is necessary due to the following special conditions:

Special Condition Definition: To justify a variance, the difficulty must be due to unique circumstances involving the particular property. The unique circumstances must be related to a physical characteristic of the property itself, not to the owner's personal situation. This is because regardless of ownership, the variance will run with the land.

Example: A creek bisecting a lot, a smaller buildable area than is seen on surrounding lots, specimen trees.

Note: A cul-de-sac is a standard street layout in College Station. The shape of standard cul-de-sac lots are generally not special conditions.

The developer is requesting this variance to allow for the construction of multiple box culverts in the floodway to provide for site access to the western portion of the multifamily site. These points of access are needed for fire safety and circulation needs of the project. Please see attached Exhibit indicating the location of the proposed access points.

The unnecessary hardship (s) involved by meeting the provisions of the ordinance other *than financial hardship* is/are:

Hardship Definition: The inability to make reasonable use of the property in accord with the literal requirements of the law. The hardship must be a direct result of the special condition.

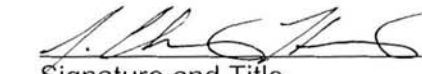
Example: A hardship of a creek bisecting a lot could be the reduction of the buildable area on the lot, when compared to neighboring properties.

The following alternatives to the requested variance are possible:

This variance will not be contrary to the public interest by virtue of the following facts:

The variance request will not be contrary to the public interest because the floodway crossing impact will be minimal and the upstream water surface elevations will not increase above, below, or within due to this crossing being constructed.

The applicant has prepared this application and certifies that the facts stated herein and exhibits attached hereto are true, correct and complete.



Signature and Title
ENGINEER

06/13/2008

Date